

From: MichaelRobinett
To: Microsoft ATR
Date: 1/26/02 2:16pm
Subject: MICROSOFT CASE

1. IT IS MY UNDERSTANDING THE REASON FOR THE GOVERNMENT'S ORIGINAL ACTIONS AGAINST MICROSOFT WERE PRIMARILY FOR THE INTERESTS OF "CONSUMER PROTECTION" AND I CAN APPRECIATE THE INTENT OF THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT IN THAT RESPECT.

2. THE GOVERNMENT RESTRICTIONS ON PROHIBITED CONDUCT IN SECTION 111. APPEAR TO BE FAIR MINDED AND CERTAINLY IN THE SPIRIT OF THE ORIGINAL INTENT OF THE SHERMAN ACT, NOTING THAT NOTHING IN THE PROVISIONS PROHIBIT MICROSOFT FROM PROTECTING ITS OWN INTELLECTUAL AND BUSINES PROPERTIES.

3. FAIR PRICING STRUCTURES SEEM TO BE A LEGITIMATE AREA OF CONCERN UNDER ANY SHERMAN ACT PROCEEDING.

4. IT SEEMS HOWEVER THAT MICROSOFT HAS CONSISTENTLY ALLOWED END USER ACCESS TO BOTH MICROSOFT AND NON-MICROSOFT MIDDLEWARE AND PROGRAMS FOR BOTH SIMPLE MODIFICATIONS OR REMOVAL SINCE THE 3.1 WINDOWS OPERATING SYSTEM TO THE PRESENT. SO IT SEEMS THE REQUIREMENTS IN SECTION H STARTING WITH THE WINDOWS XP RELEASE ARE A SOMEWHAT MOOT POINT. WHY REQUIRE MICROSOFT TO DO SOMETHING THEY'VE BEEN DOING SINCE WINDOWS 3.1 THROUGH MILLENIUM?

5. UNDER SECTION H.3., MICROSOFT HAS CONSISTENLY ALLOWED NON-MICROSOFT PRODUCTS TO DETERMINE THEIR OWN CONFIGURATION OF WINDOW & ICON DISPLAY, SOMETIMES MUCH TO MY CHAGRIN WHEN THE NON-MICROSOFT PRODUCTS INSISTED ON JUMPING ON TOP OF THE NORMAL OPERATING SYSTEM DISPLAYS, OR ALLOWING OUTSIDE INTRUDER ACCESS TO THE PROGRAMS THEMSELVES IN SUCH A MANNER AS TO OBSTRUCT THE CONTENT OF WHAT THE END USER WAS ATTEMPTING TO PRODUCE, OR BLOCK PRODUCTION OF DOCUMENTS ALTOGETHER. IN SUCH CASES I PERSONALLY SWITCHED BACK TO THE MIDDLEWARE NATIVE TO THE MICROSOFT OPERATING SYSTEM. IN MY OWN OPINION, MOST MICROSOFT PRODUCTS ARE ENGINEERED OR CRAFTED IN SUCH A MANNER TO PROTECT BOTH THE OPERATING SYSTEM ITSELF, AND THE END USER'S ACTIVITIES, WITH THE INTENTION OF CREATING A LOYAL CUSTOMER BASE, AND ULTIMATELY SELLING MORE PRODUCTS.

IT SEEMS THE BASIC UNDERLYING ECONOMIC MOTIVE IS BOTH NON-MONOPOLISTIC IN NATURE, AND TO THE BENEFIT OF THE END USER AS CONSUMER.

6. IF MY MEMORY SERVES ME CORRECTLY, THE ORIGINAL ANTI-TRUST FILINGS COINCIDED WITH THE FREE RELEASE OF THE INTERNET EXPLORER BROWSER, WHICH WAS INTERPRETED BY THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT AS BEING MONOPOLISTIC IN NATURE AND UNDERCUTTING COMPETITORS. FROM THE END USER OR CONSUMER STANDPOINT HOWEVER, IT HAD THE OPPOSITE EFFECT. IT WAS THE FIRST SIMPLE AND ACCESSILBE RELEASE OF HTML SOURCE CODE IN MY EXPERIENCE AND WAS THE MODERN EQUIVALENT OF THE FIRST RELEASE OF THE

GUTENBERG PRINTING PRESS.

WHILE COMPETITORS PRODUCTS ALLOWED VIEWING OF HTML SOURCE CODE, THEY WERE NOT AS EASILY USED IN PRODUCTION OF WEBPAGES, OR HTML FORMAT DOCUMENTS AS THE MICROSOFT PRODUCT WAS.

WHILE THIS CERTAINLY IS NOT THE SAME AS RELEASING SOURCE CODE FOR COMMERCIALLY LICENSED PRODUCTS, WHICH THE GOVERNMENT IS NOT REQUIRING, IT HAD THE EFFECT OF INCREASING THE FREE FLOW OF INFORMATION OF ALL KINDS IN THE MODERN SOCIETY OF THE INFORMATION AGE.

FROM A PERSONAL PERSPECTIVE, THE MAIN EFFECT, IF NOT THE ORIGINAL INTENT OF THE GOVERNMENT'S CASE AGAINST MICROSOFT, WAS TO BASICALLY BLOCK THIS FREE FLOW OF INFORMATION ITSELF.

MICROSOFT HAD ALLOWED WIDESPREAD ACCESS TO BOTH PRIVATE AND PUBLIC INFORMATION SOURCES THROUGH ITS PRODUCTS, AND HAD "DEMOCRATIZED" THE PRODUCTION OF INFORMATION ITSELF, ALLOWING MULTIPLE VIEWPOINTS TO EASILY BE PUBLISHED VIA THE INTERNET.

THE COURSE OF EVENTS SINCE THE GOVERNMENT'S ORIGINAL ANTI-TRUST ACT FILINGS HAS SEEN A SERIOUS REDUCTION IN THE FLOW OF INFORMATION OF ALL TYPES, AND SERIOUS IMPEDIMENTS TO BOTH THE PRODUCTION AND PUBLICATION OF THE SAME.

INSTEAD OF INCREASING THE FLOW OF INFORMATION IN A FREE SOCIETY, THE SAME TIME PERIOD HAS SEEN DEVELOPMENTS OF NEW GOVERNMENT TECHNOLOGIES MEANT TO DO EXACTLY THE OPPOSITE.

IN FACT IT'S GETTING TO THE POINT WHERE ONE IS NOT SURE THEY'RE ACTUALLY GETTING A MICROSOFT PRODUCT SOMETIMES, OR SOMETHING THAT HAS BEEN ENGINEERED BY ANOTHER BRANCH OF THE PLAINTIFF'S IN THE SUIT, TO DISGUISE ITSELF AS ONE, WHILE PLACING ANOTHER VERSION OF THE TECHNICAL COMMITTEE FROM SECTION 7 ON THE HOME OR OFFICE COMPUTERS OF THE END USERS OR CONSUMERS.

(7. Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington. Microsoft shall also, upon reasonable advance notice from the TC, provide the TC with reasonable access to available office space, telephone, and other office support facilities at any other Microsoft facility identified by the TC.)

IN A SENSE, THE END USER OR CONSUMER IS BEING SUBJECTED TO THE SAME TYPE OF TECHNICAL OVERSIGHT BY "COUNTERFEIT" PROGRAMS WHICH HAVE ACTUALLY BEEN CLEVERLY ALTERED BY THE "PLAINTIFF'S" THEMSELVES IN THE SENSE THAT OTHER BRANCHES OF THE GOVERNMENT HAVE REQUIRED BOTH THE TELECOMMUNICATIONS INDUSTRY AND ISP PROVIDERS TO PROVIDE INCREASED SURVEILLANCE CAPACITY.

IN A TWO PARTY POLITICAL SYSTEM, THAT CAN SOMETIMES HAVE THE UNUSUAL EFFECT OF PRIVATE INDIVIDUALS IN CONTROL OF SEVERAL TRILLION DOLLARS IN

GOVERNMENT FUNDS AND RESOURCES, ACTUALLY ACTING IN VIOLATION OF THE SHERMAN ACT THEMSELVES FOR FOUR YEAR PERIODS.

IN CONCLUSION, IT DOESN'T SEEM THAT MICROSOFT HAS ACTED IN A MANNER DETRIMENTAL TO THE END USERS OR CONSUMERS THEMSELVES.

IF ANYTHING, IT ACTED IN A MANNER WHICH ALLOWED END USERS INCREASED ACCESS TO POLITICAL INFORMATION, BUSINESS OPPORTUNITIES, AND PERSONAL EXPRESSION.

RESPECTFULLY,

MICHAEL ROBINETT